

STATE OF INDIANA) IN THE MARION COUNTY SUPERIOR COURT
)
COUNTY OF MARION) CAUSE NO.

THE ESTATE OF ELEANOR NORTHINGTON,)
Plaintiff,)
Vs.)
THE CITY OF INDIANAPOLIS and)
INDIANAPOLIS METROPOLITAN POLICE)
DEPARTMENT and JOHN DOE, POLICE OFFICERS,)
1-50 in Their Individual and Official Capacities)
and MT. CALVARY APOSTOLIC CHURCH, Inc.,)
Defendants.)

APPEARANCE

Party Classification: Initiating X Responding Intervening

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s): The Estate of Eleanor Northington
2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:
Name : Larry Pleasants Atty Number ID# 10661-49
Address: 7508 Madison Ave. Phone: (317) 881-8900
Indianapolis, IN 46227 FAX: (317) 881-7544 Email: larry@larrypleasants.com
3. There are other party members: Yes No x
4. If first initiating party filing this case, the Clerk is requested to assign this case the following Case Type under Administrative Rule 8(b)(3): CT
5. I will accept service by FAX at the above noted number. Yes No X
6. This case involves support issues. Yes No X
7. There are related cases: Yes No x (If yes, list on continuation page).
8. This form has been served on all other parties. Certificate of service is attached. Yes x
9. Additional information required by local rule


LARRY PLEASANTS, Attorney for Plaintiff,
THE ESTATE OF ELEANOR NORTHINGTON

Certificate of Service

This is to certify that a copy of this document has been served on the Defendants, The City of Indianapolis and Indianapolis Metropolitan Police Department, and John Doe, Police Officers, 1-50 in Their Individual Capacities and Mt. Calvary Apostolic Church, Inc. by United States, first class, pre-paid postage this 26 day of January, 2021.


Larry Pleasants, Attorney at Law

Larry Pleasants
Attorney at Law
7508 Madison Ave.
Indianapolis, IN 46227
PH: (317) 881-8900

STATE OF INDIANA)

)

COUNTY OF MARION)

CAUSE NO.

IN THE MARION COUNTY SUPERIOR COURT

THE ESTATE OF ELEANOR NORTINGTON)

)

Plaintiff,)

)

Vs.)

)

THE CITY OF INDIANAPOLIS and)

INDIANAPOLIS METROPOLITAN)

POLICE DEPARTMENT and JOHN DOE, POLICE)

OFFICERS, 1-50 In Their Individual)

and Official Capacities and)

MT. CALVARY APOSTOLIC CHURCH, INC.,)

)

Defendants.)

COMPLAINT

Comes now the Plaintiff, The Estate of Eleanor Northington, and brings the following causes of actions against all named Defendants and individual IMPD officers whose identities will be determined through discovery.

Parties to Complaint:

1. The Plaintiff, The Estate of Eleanor Northington, whose Administrator is, D’ASIA MONTGOMERY, can be served through counsel whose contact information is below.
2. The City of Indianapolis;
3. John Doe Officers;
4. Mt. Calvary Apostolic Church, Inc. is a Christian Church located in Indianapolis, Indiana. Mt. Calvary can be served at 6635 E. 42nd Street Indianapolis, Indiana 46226;

FACTS

1. On February 7, 2019 Ms. Eleanor Northington, was attending a church service with her daughters, son, and son in law at Mt. Calvary Apostolic Church;
2. Ms. Northington's youngest daughter is under the age of majority;
3. Ms. Northington's son is under the age of majority;
4. Ms. Eleanor Northington had long suffered from mental illness;
5. Ms. Eleanor Northington was massively obese
6. At some point during the service, Ms. Northington suffered a psychotic episode;
7. Ms. Northington began to act belligerently towards members of the choir and towards the Church Pastor;
8. Ms. Northington left the sanctuary area of Mt. Calvary and removed her clothes;
9. At some point, Ms. Northington appeared in the sanctuary area in a state of undress;
10. Ms. Northington put her clothes back on but continued to act belligerently, swearing at and spitting on congregants and church staff.
11. At some point, Ms. Northington was restrained by members of the church;
12. One congregant called the police;
13. At some point, a cloth was placed over Ms. Northington's mouth apparently to keep her spit from landing on bystanders;
14. When IMPD arrived, John Doe Officer #1 restrained Ms. Northington in handcuffs.
15. Ms. Northington was handcuffed behind her back;
16. An unknown IMPD officer wrestled Ms. Northington to the ground on her stomach.
17. Upon information and belief, an IMPD officer "placed a knee" on Ms. Northington's back while she was handcuffed face-down;

18. The floor of Mt. Calvary Church is covered in shag carpeting;
19. Ms. Northington audibly told officers she could not breathe;
20. IMPD officers ignored Ms. Northington's cry about not being able to breathe;
21. Ms. Northington was unable to breathe and suffocated to death in the old shag carpeting;
22. IMPD's use of excessive force, principally handcuffs, wrestling Ms. Northington to the ground on her stomach, "placing a knee in her back", caused Ms. Northington's death;
23. Ms. Northington's minor son witnessed his Mother's tramatic death;

COUNT 1 FOURTH AMENDMENT CLAIM

(v IMPD, CITY OF INDIANAPOLIS, JOHN DOES)

24. The foregoing paragraphs are incorporated by reference as though fully reinstated herein;
25. In violation of Ms. Northington's fourth and Fourteenth Amendment Rights, the Defendants' used excessive force to restrain and subdue Ms. Northington;
26. That excessive force caused Ms. Northington to suffocate to death;
27. Defendants should have known that handcuffing a massively obese women, face down in shag carpet, would likely cause serious injury or death;
28. As a direct, legal, and proximate result of Defendants' gross negligence or deliberate indifference, or reckless disregard for an obvious risk; Ms. Northington was killed causing economic and emotional losses to her estate and minor children.

COUNT 2 BATTERY

(all Defendants)

29. The foregoing paragraphs are incorporated by reference as though fully reinstated herein.

30. Defendants touched Ms. Northington in a rude, angry, or insolent manner.

31. Whether by placing a cloth over Ms. Northington's face;

32. Or by handcuffing her;

33. Or by wrestling her to the ground;

34. Or by "placing a knee in her back";

35. Or by burying her face in deep shag carpet;

36. Or by methods to be determined in discovery;

37. These contacts constituted separate instances of the tort of battery;

38. Collectively these batteries led to Ms. Northington's death;

39. As a direct, legal, and proximate result of Defendants' excessive force, gross negligence, deliberate indifference, or reckless disregard for an obvious risk, Ms. Northington was killed causing economic and emotional losses to her estate and minor children;

40. As a direct, legal and proximate result of Defendants' batteries, Plaintiff, Ms. Northington was killed, causing economic and emotional losses to her estate and minor children;

COUNT 3 NEGLIGENCE

(Mt. Calvary Church)

(All Defendants)

41. The foregoing paragraphs are incorporated by reference as though fully reinstated herein;
42. Mt. Calvary owes a duty to its congregants to keep its parishioners safe;
43. Mt. Calvary breached that duty when one of its Pastors placed a cloth over Ms. Northington's mouth impeding her airways;
44. Mt. Calvary's negligence contributed to the death of Ms. Northington;
45. As a direct, legal, and proximate result of Defendants' batteries, Plaintiff, Ms. Northington was killed causing economic and emotional losses to her estate and minor children;


LARRY PLEASANTS, Attorney for Plaintiff
THE ESTATE OF ELEANOR NORTHINGTON

REQUEST FOR TRIAL BY JURY

Comes now the Plaintiff, through the Plaintiff's Attorney, LARRY PLEASANTS, and requests that this cause be set for trial by jury.


LARRY PLEASANTS, Attorney for Plaintiff

Larry Pleasants
Attorney at Law
7508 Madison Ave
Indpls, IN 46227
PH: 317-881-8900
ID#10661-49
larry@larrypleasants.com

Marion Superior Court 2
S U M M O N S

In the Marion County Superior Court

THE ESTATE OF ELEANOR NORTHINGTON

Plaintiff,

- vs -

Cause No. _____

THE CITY OF INDIANAPOLIS and INDIANAPOLIS
METROPOLITAN POLICE DEPARTMENT and JOHN DOE, POLICE
OFFICERS, 1-50 In Their Individual and Official Capacities and
Mt. Calvary Apostolic Church, Inc.

Defendants.

TO DEFENDANT: (Name) The City of Indianapolis, c/o Office of Corporation Counsel
(Address) 200 E. Washington St., Rm. 1601
Indianapolis, IN 46204

You are hereby notified that you have been sued by the person named as plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by your or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by plaintiff.

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

If you need the name of an attorney, you may contact the Indianapolis Bar Association Lawyer Referral Service (269-2222), or the Marion County Bar Association Lawyer Referral Service (634-3950).

Dated 1/26/2021Myra A. Eldridge (Seal)
Clerk, Marion County Superior Court**(The following manner of service of summons is hereby designated.)**☐ Registered or certified mail.☐ Service at place of employment, to-wit:☒ Service on individual (Personal or copy) at above address – By Marion County Sheriff☐ Other service. (Specify) (On Agent as indicated above.)Larry Pleasants - ID#10661-49
Attorney for Plaintiff
7508 Madison Ave, Indpls., IN 46227
Address
(317) 881-8900
Telephone

SHERIFF'S RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served this summons on the _____ day of _____, 20____

(1) By delivering a copy of the Summons and a copy of the complaint to the defendant, _____

(2) By leaving a copy of the Summons and a copy of the complaint at _____

which is the dwelling place or usual place of abode of _____

and by mailing a copy of said summons to said defendant at the above address.

(3) Other Service or Remarks: _____

Sheriff's Costs

Sheriff

By: _____

Deputy

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 20____, I mailed a copy of this Summons and a copy of the complaint to the defendant, _____, by _____ mail, requesting a return receipt, at the address furnished by the plaintiff.

Clerk, Marion Superior Court

By: _____

Deputy

Dated: _____, 20____

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____ was accepted by the defendant on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint was returned not accepted on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____ was accepted by _____ on behalf of said defendant on the _____ day of _____, 20____.

Clerk, Marion Superior Court

By: _____

Deputy

Cause No. _____ Room No. _____

ESTATE OF ELEANOR NORTHINGTON

Plaintiff

vs.

CITY OF INDPLS., IMPD, JOHN DOE, POLICE

MT. CALVARY APOSTOLIC CHURCH, INC.

Defendant

SUMMONS

SUPERIOR COURT ROOM NO. _____

SHERIFF'S COSTS

LARRY PLEASANTS

Attorney for Plaintiff

7508 MADISON AVE., INDPLS., IN 46227

Address

317 - 881-8900

Telephone

Marion Superior Court 2
S U M M O N S

In the Marion County Superior Court

THE ESTATE OF ELEANOR NORTHINGTON

Plaintiff,

- vs -

Cause No. _____

THE CITY OF INDIANAPOLIS and INDIANAPOLIS
METROPOLITAN POLICE DEPARTMENT and JOHN DOE, POLICE
OFFICERS, 1-50 In Their Individual and Official Capacities and
Mt. Calvary Apostolic Church, Inc.
Defendants.TO DEFENDANT: (Name) INDIANAPOLIS METROPOLITAN POLICE DEPT.
(Address) 50 N. ALABAMA STREET
Indianapolis, IN 46204

You are hereby notified that you have been sued by the person named as plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by your or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by plaintiff.

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

If you need the name of an attorney, you may contact the Indianapolis Bar Association Lawyer Referral Service (269-2222), or the Marion County Bar Association Lawyer Referral Service (634-3950).

Dated 1/26/2021 1/26/2021 (Seal)
Clerk, Marion County Superior Court**(The following manner of service of summons is hereby designated.)**☐ Registered or certified mail.☐ Service at place of employment, to-wit:☒ Service on individual (Personal or copy) at above address – By Marion County Sheriff☐ Other service. (Specify) (On Agent as indicated above.)Larry Pleasants - ID#10661-49
Attorney for Plaintiff
7508 Madison Ave, Indpls., IN 46227
Address
(317) 881-8900
Telephone

SHERIFF'S RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served this summons on the _____ day of _____, 20____

(1) By delivering a copy of the Summons and a copy of the complaint to the defendant, _____

(2) By leaving a copy of the Summons and a copy of the complaint at _____

which is the dwelling place or usual place of abode of _____

and by mailing a copy of said summons to said defendant at the above address.

(3) Other Service or Remarks: _____

Sheriff's Costs

Sheriff

By: _____

Deputy

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 20____, I mailed a copy of this Summons and a copy of the complaint to the defendant, _____, by _____ mail, requesting a return receipt, at the address furnished by the plaintiff.

Clerk, Marion Superior Court

Dated: _____, 20____

By: _____

Deputy

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____ was accepted by the defendant on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint was returned not accepted on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____ was accepted by _____ on behalf of said defendant on the _____ day of _____, 20____.

Clerk, Marion Superior Court

By: _____

Deputy

Cause No. _____ Room No. _____

ESTATE OF ELEANOR NORTHINGTON

Plaintiff

vs.

CITY OF INDPLS., IMPD, JOHN DOE, POLICE

MT. CALVARY APOSTOLIC CHURCH, INC.

Defendant

SUMMONS

SUPERIOR COURT ROOM NO. _____

SHERIFF'S COSTS

LARRY PLEASANTS

Attorney for Plaintiff

7508 MADISON AVE., INDPLS., IN 46227

Address

317 - 881-8900

Telephone

Marion Superior Court 2
S U M M O N S

In the Marion County Superior Court

THE ESTATE OF ELEANOR NORTHINGTON

Plaintiff,

- vs -

Cause No. _____

THE CITY OF INDIANAPOLIS and INDIANAPOLIS

METROPOLITAN POLICE DEPARTMENT and JOHN DOE, POLICE

OFFICERS, 1-50 In Their Individual and Official Capacities and

Mt. Calvary Apostolic Church, Inc.

Defendants.

TO DEFENDANT: (Name) Mt. Calvary Apostolic Church, Inc.

(Address) c/o Reg. Agent: Jesse L. Russell, Jr., 6635 E. 42nd St.
Indianapolis, IN 46226

You are hereby notified that you have been sued by the person named as plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by your or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by plaintiff.

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

If you need the name of an attorney, you may contact the Indianapolis Bar Association Lawyer Referral Service (269-2222), or the Marion County Bar Association Lawyer Referral Service (634-3950).

Dated 1/26/2021

Myla A. Eldridge (Seal)
Clerk, Marion County Superior Court

(The following manner of service of summons is hereby designated.)

_____ Registered or certified mail.

_____ Service at place of employment, to-wit:

X Service on individual (Personal or copy) at above address – By Marion County Sheriff

_____ Other service. (Specify) (On Agent as indicated above.)

Larry Pleasants - ID#10661-49

Attorney for Plaintiff

7508 Madison Ave, Indpls., IN 46227

Address

(317) 881-8900

Telephone



SHERIFF'S RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served this summons on the _____ day of _____, 20____

(1) By delivering a copy of the Summons and a copy of the complaint to the defendant, _____

(2) By leaving a copy of the Summons and a copy of the complaint at _____

which is the dwelling place or usual place of abode of _____
and by mailing a copy of said summons to said defendant at the above address.

(3) Other Service or Remarks: _____

Sheriff's Costs

Sheriff

By: _____
Deputy

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 20____, I mailed a copy of this Summons and a copy of the complaint to the defendant, _____, by _____ mail, requesting a return receipt, at the address furnished by the plaintiff.

Clerk, Marion Superior Court

Dated: _____, 20____

By: _____
Deputy

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I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____ was accepted by the defendant on the _____ day of _____, 20____.

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I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____ was accepted by _____ on behalf of said defendant on the _____ day of _____, 20____.

Clerk, Marion Superior Court

By: _____
Deputy

Cause No. _____ Room No. _____

ESTATE OF ELEANOR NORTHINGTON

Plaintiff

vs.

CITY OF INDPLS., IMPD, JOHN DOE, POLICE

MT. CALVARY APOSTOLIC CHURCH, INC.

Defendant

SUMMONS

SUPERIOR COURT ROOM NO. _____

SHERIFF'S COSTS

LARRY PLEASANTS

Attorney for Plaintiff

7508 MADISON AVE., INDPLS., IN 46227

Address

317 - 881-8900

Telephone

STATE OF INDIANA)
) SS:
 COUNTY OF MARION) CAUSE NO. 49D02-2101-CT-002698

THE ESTATE OF ELEANOR NORTHINGTON,)
)
 Plaintiff,)
)
 v.)
)
 CITY OF INDIANAPOLIS AND INDIANAPOLIS)
 METROPOLITAN POLICE DEPARTMENT AND)
 JOHN DOE, POLICE OFFICERS 1-50 IN THEIR)
 INDIVIDUAL AND OFFICIAL CAPACITIES,)
 AND MT. CALVARY APOSTOLIC CHURCH,)
 INC.,)
)
 Defendants.)

E-FILING APPEARANCE BY ATTORNEY IN CIVIL CASE

1. The party on whose behalf this form is being filed is: **Responding**

The undersigned attorneys listed on this form now appear in this case for the following parties:

CITY OF INDIANAPOLIS and INDIANAPOLIS METROPOLITAN POLICE DEPARTMENT

2. Attorney information for service as required by Trial Rule 5(B)(2):

Name: Adam S. Willfond (31565-49)
 Address: 200 East Washington Street, Suite 1601
 Indianapolis, IN 46204
 Phone: 317.327.4055
 Fax: 317.327.3968
 Email: adam.willfond@indy.gov

Name: Allison J. Smith (35366-49)
 Address: 200 East Washington Street, Suite 1601
 Indianapolis, IN 46204
 Phone: 317.327.4055
 Fax: 317.327.3968
 Email: allison.smith@indy.gov

3. This is a "CT" case type as defined in Administrative Rule 8(B)(3).
4. I will not accept service from other parties by FAX or E-mail.
5. This case does not involve child support issues.
6. This case does not involve a protection from abuse order, a workplace violence restraining order, or a no-contact order.
7. This case does not involve a petition for involuntary commitment.
8. There are no individuals subject to a petition for involuntary commitment.
9. The appearing attorneys are not aware of related cases.
10. There is no additional information required by local rule.
11. The appearing attorneys are not aware of other party members.
12. This form has been served on all other parties and Certificate of Service is attached.

Respectfully submitted,

OFFICE OF CORPORATION COUNSEL

/s/ Adam S. Willfond

Adam S. Willfond (31565-49)
Deputy Chief Litigation Counsel
200 E. Washington Street, Suite 1601
Indianapolis, IN 46204
317.327.4055
adam.willfond@indy.gov

CERTIFICATE OF SERVICE

I certify that the foregoing was electronically filed on February 5, 2021 through the Indiana E-Filing System, and the following Registered User was served via E-Service through that System on the same day:

Larry Pleasants (10661-49)
larry@larrypleasants.com

/s/ Adam S. Willfond
Adam S. Willfond (31565-49)
Deputy Chief Litigation Counsel

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

IN THE MARION SUPERIOR COURT

CAUSE NO. 49D02-2101-CT-002698

THE ESTATE OF ELEANOR NORTHINGTON,

Plaintiff,

v.

CITY OF INDIANAPOLIS AND INDIANAPOLIS
METROPOLITAN POLICE DEPARTMENT AND
JOHN DOE, POLICE OFFICERS 1-50 IN THEIR
INDIVIDUAL AND OFFICIAL CAPACITIES,
AND MT. CALVARY APOSTOLIC CHURCH,
INC.,

Defendants.

NOTICE OF AUTOMATIC ENLARGEMENT OF TIME

The Defendants, City of Indianapolis and Indianapolis Metropolitan Police Department, by counsel and pursuant to Local Rule 49-TR5-203(D) hereby notify the Court of their automatic initial enlargement of time to answer or otherwise respond to the Plaintiff's Complaint. In support of this notice, the Defendants state:

1. The Defendants received service of the Plaintiff's Complaint on January 29, 2021.
2. The Defendants' answer or other response to the Plaintiff's Complaint is due February 22, 2021.
3. Counsel for the Defendants reasonably requires an additional thirty days to examine the allegations in the Plaintiff's Complaint and prepare defenses.
4. The enlargement of time to answer or otherwise respond to the Plaintiff's

Complaint does not interfere with any Case Management Plan, scheduled hearings, or other case deadlines.

5. Under LR 49-TR5-203(D), a thirty-day enlargement of time “shall be automatically allowed...without a written order of the Court.”

6. An additional thirty days will make the Defendants’ answer or other response to the Plaintiff’s Complaint due March 24, 2021.

Respectfully submitted,

OFFICE OF CORPORATION COUNSEL

/s/ Adam S. Willfond
Adam S. Willfond (31565-49)
Deputy Chief Litigation Counsel
200 E. Washington Street, Suite 1601
Indianapolis, IN 46204
317.327.4055
adam.willfond@indy.gov

CERTIFICATE OF SERVICE

I certify that the foregoing was electronically filed on February 5, 2021 through the Indiana E-Filing System, and the following Registered User was served via E-Service through that System on the same day:

Larry Pleasants (10661-49)
larry@larrypleasants.com

/s/ Adam S. Willfond
Adam S. Willfond (31565-49)
Deputy Chief Litigation Counsel

49D02-2101-CT-002698
Marion Superior Court 2
SUMMONS

In the Marion County Superior Court

THE ESTATE OF ELEANOR NORTHINGTON

Plaintiff,

- vs -

Cause No. _____

THE CITY OF INDIANAPOLIS and INDIANAPOLIS

METROPOLITAN POLICE DEPARTMENT and JOHN DOE, POLICE

OFFICERS, 1-50 In Their Individual and Official Capacities and

Mt. Calvary Apostolic Church, Inc.

Defendants.

TO DEFENDANT: (Name) The City of Indianapolis, c/o Office of Corporation Counsel

(Address) 200 E. Washington St., Rm. 1601

Indianapolis, IN 46204

You are hereby notified that you have been sued by the person named as plaintiff and in the Court indicated above.

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An answer or other appropriate response in writing to the complaint must be filed either by your or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by plaintiff.

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If you need the name of an attorney, you may contact the Indianapolis Bar Association Lawyer Referral Service (269-2222), or the Marion County Bar Association Lawyer Referral Service (634-3950).

Dated 1/26/2021

Mykel A. Edwards (Seal)
Clerk, Marion County Superior Court

(The following manner of service of summons is hereby designated.)

☐ Registered or certified mail.

☐ Service at place of employment, to-wit:

☒ Service on individual (Personal or copy) at above address – By Marion County Sheriff

☐ Other service. (Specify) (On Agent as indicated above.) _____

Larry Pleasants - ID#10661-49

Attorney for Plaintiff

7508 Madison Ave, Indpls., IN 46227

Address

(317) 881-8900

Telephone

49D02-2101-CT-002698
SRS
Service Returned Served
2965786



SHERIFF'S RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served this summons on the _____ day of _____, 20____

(1) By delivering a copy of the Summons and a copy of the complaint to the defendant, _____

(2) By leaving a copy of the Summons and a copy of the complaint at _____

which is the dwelling place or usual place of abode of _____

and by mailing a copy of said summons to said defendant at the above address.

(3) Other Service or Remarks: _____

Sheriff's Costs _____

Sheriff _____

By: _____

Deputy

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 20____, I mailed a copy of this Summons and a copy of the complaint to the defendant, _____, by _____ mail, requesting a return receipt, at the address furnished by the plaintiff.

Clerk, Marion Superior Court

Dated: _____, 20____

By: _____

Deputy

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____ was accepted by the defendant on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint was returned not accepted on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____ was accepted by _____ on behalf of said defendant on the _____ day of _____, 20____.

Clerk, Marion Superior Court

By: _____

Deputy

Cause No. _____ Room No. _____

ESTATE OF ELEANOR NORTHINGTON

Plaintiff

vs.

CITY OF INDPLS., IMPD, JOHN DOE, POLICE

MT. CALVARY APOSTOLIC CHURCH, INC.

Defendant

SUMMONS

SUPERIOR COURT ROOM NO. _____

SHERIFF'S COSTS

LARRY PLEASANTS

Attorney for Plaintiff

7508 MADISON AVE., INDPLS., IN 46227

Address

317 - 881-8900

Telephone

Corp Marion County Sheriff's Office Return Of Service
Service code _____
I hereby certify that I have served this Summons/Order/Petition/Motion etc. on the _____
_____ day of February, 20 21, at 10:11 hours.
By delivering a copy of the Summons/Order/Petition/Motion etc., and a copy of the complaint to the Defendant
By leaving a copy of the document at _____
which is the dwelling place or usual place of abode of _____
By leaving a copy of the Summons/Order/Petition/Motion etc. with a person over 16 years of age.
By leaving a copy of the Summons/Order/Petition/Motion etc. at the individual's place of employment with
Served on City of Indianapolis Corporation
Not Forged Reason _____
Signature of resident _____ (If corporate service) Title _____
Sheriff Kerry Forestall, Sheriff, Marion County, Indiana By Deputy [Signature] 2020
☐ Mailed Summons & Complaint to Address

RECEIVED
FEB 11 2021

STATE OF INDIANA) IN THE MARION SUPERIOR COURT
) SS:
COUNTY OF MARION) CAUSE NO.: 49D02-2101-CT-00268

THE ESTATE OF ELEANOR NORTHINGTON
Plaintiff,

v.

THE CITY OF INDIANAPOLIS, INDIANAPOLIS
METROPOLITAN POLICE DEPARTMENT, JOHN
DOE, OFFICERS 1-50 in their individual and official
capacities, and MT. CALVARY APOSTOLIC
CHURCH, INC.

Defendants.

Party Classification: Initiating ____ Responding ✓ Intervening ____

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8. This form has been served on all parties. Certificate of Service is attached. Yes (☒) No (☐)

THRELKELD ❖ STEVENSON

By: /s/Benjamin G. Stevenson
Benjamin G. Stevenson
Attorney No. 24415-53
Attorney for Defendant, Mt. Calvary Apostolic
Church, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing will be served to all opposing counsel of record via the Court's electronic e-mail service and filing system, this 19th day of February, 2021:

Larry Pleasants
Attorney at Law
7508 Madison Avenue
Indianapolis, Indiana 46227

Adam Willfond
Allison J. Smith
200 East Washington Street
Suite 1601
Indianapolis, Indiana 46204

/s/Benjamin G. Stevenson
Benjamin G. Stevenson

THRELKELD ❖ STEVENSON
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Indianapolis, Indiana 46204-1984
Phone: 317.655.5200
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capacities, and MT. CALVARY APOSTOLIC)
CHURCH, INC.)
)
Defendants.)

APPEARANCE (CIVIL)

Party Classification: Initiating ____ Responding ☒ Intervening ____

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s). **MT. CALVARY APOSTOLIC CHURCH, INC.**
2. Attorney Information:

Paul A. Jansen Attorney No. 29972-49
pjansen@threlkeld-legal.com
THRELKELD ❖ STEVENSON Phone: 317.655.5200
101 West Ohio Street, Suite 550 Fax: 317.655.3150
Indianapolis, Indiana 46204
3. There are other party members. Yes () No (☒)
4. *If first initiating party filing this case*, the Clerk is requested to assign this case the following Case Type under Administration Rule 8(b)(3). N/A.
5. FAX SERVICE IS **NOT** ACCEPTABLE.
6. This case involves support issues. Yes () No (☒)
7. There are related cases. Yes () No. (☒)

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THRELKELD ❖ STEVENSON

By: /s/Paul A. Jansen
Paul A. Jansen, Attorney No. 29972-49
Attorney for Defendant, Mt. Calvary Apostolic
Church, Inc.

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CHURCH, INC.)
)
Defendants.)

MOTION FOR ENLARGEMENT OF TIME

COMES NOW the Defendant, Mt. Calvary Apostolic Church, Inc., by counsel, and respectfully moves the Court for an enlargement of time under T.R. 6(B)(1) in which to respond to Plaintiff's Complaint for Damages. In support of this motion, Defendant would show the court:

1. That Defendant, Mt. Calvary Apostolic Church, Inc. was served with process on or about February 12, 2021, and a response is due on or about March 4, 2021.
2. That this motion if filed before the expiration of said time.
3. That such enlargement of time of thirty (30) days from the date of the filing of this motion is necessary due to the nature and subject matter herein and due to the necessity for consultation between the undersigned counsel and his client.
4. That pursuant to such enlargement of time, Defendant's response to Plaintiff's Complaint for Damages will be due on or before April 3, 2021.

WHEREFORE, Defendant, Mt. Calvary Apostolic Church, Inc., prays the court for an enlargement of time of thirty (30) days, to and including April 3, 2021, in which to answer Plaintiff's

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Complaint for Damages to said Defendant, and for all other relief just and proper in the premises.

THRELKELD ❖ STEVENSON

By: /s/Benjamin G. Stevenson
Benjamin G. Stevenson
Attorney No. 24415-53
Attorney for Defendant, Mt. Calvary Apostolic
Church, Inc.

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capacities, and MT. CALVARY APOSTOLIC
CHURCH, INC.

Defendants.

Come now the Defendant, Mt. Calvary Apostolic Church, Inc., pursuant to Trial Rule 38(B), and respectfully requests this matter be tried by jury.

By: /s/Benjamin G. Stevenson
Benjamin G. Stevenson
Attorney No. 24415-53
Attorney for Defendant, Mt. Calvary Apostolic
Church, Inc.

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 capacities, and MT. CALVARY APOSTOLIC)
 CHURCH, INC.)
)
 Defendants.)

GRANTED
 February 22, 2021

ORDER ON MOTION FOR ENLARGEMENT OF TIME

Defendant, Mt. Calvary Apostolic Church, Inc., having filed herein Defendant's Motion for Enlargement of Time, and the Court being duly advised in the premises, now finds that said Motion should be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that said Defendants are granted an enlargement of time up to and including April 3, 2021, within which to file a response to Plaintiff's Complaint for Damages.

February 22, 2021

DATED: _____


 BO

 JUDGE, Marion Superior Court No. 2

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Distribution to:

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